



TOWN OF AMENIA

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ZONING BOARD OF APPEALS MEETING MONDAY, OCTOBER 20, 2014 7:00 P.M.

PRESENT: Chairman Leo Blackman
Terry Metcalfe
Dave Menegat
Kevin Cassone
Paula Pelosi
Dave Everett, Attorney
John Fenton, CEO

MOTION TO OPEN THE ZONING BOARD OF APPEALS MEETING was made by Leo Blackman, seconded by Terry Metcalfe

VOTE TAKEN - MOTION CARRIED

Tom Werner asked the Chair for Kevin Cassone to recuse himself from the meeting as Mr. Werner felt Mr. Cassone expressed that non-profit organizations do not have to comply with anything. Mr. Cassone denied the allegation.

Wassaic Auction Barn

Sign

**4280 Route 22
Wassaic, NY**

Jeff Barnett-Winsby stated at the last meeting it was suggested the applicant got the sign down to 100 square feet so the design that was submitted is 104 square feet measured by CAD. He felt the letters were big enough, and the sign will be 8 feet above ground in order to get the visibility coming up the hill. Last week, the applicant provided the survey that shows the sign is on the Wassaic Auction Barn property. The applicant had spoken with Dutchess County Planning and if the ZBA approves the sign, it will go to the County for their stamp of approval.

Chairman Blackman stated at the last meeting it was conveyed what the rationale of the Board was for the square footage, and is glad to see the outcome. He asked Mr. Barnett-Winsby if the measurement of the 8 feet between the posts is accurate. Mr. Barnett-Winsby stated it was. The issues before the Board are area and square footage, the largest sign for the Town is 100 square feet; individual sign 16 square feet and 50 square feet for a shopping center advertising multiple businesses. The bonuses offered for wood signs, non-illuminated signs, etc. could get the sign to 100 square feet. Mr. Everett told Chairman Blackman that he had misread that part of the code

that freestanding signs are not eligible for the bonus, however felt that the Board was clear because of the specific circumstances, where none of the other buildings are visible from the road and the fact that the sign advertises the town of Wassaic, the Board was OK with giving the applicant an exception of that amount of square footage. Mr. Blackman continued the square footage would be a variance and the height would be a variance.

Jeff Barnett-Winsby noted that Calsi's General Store will be on the sign as Wassaic General Store. Chairman Blackman also suggested Jeff should reach out to Pawling Rubber Corp.

Kevin Cassone stated he felt the size of the sign is what the applicant represents it to be. N.Y. State Code, page 39 into page 40 states, "No matter what the shape of the sign.....use the algebraic formula necessary to compute the size of the sign." One should not put a rectangle around a big sign to calculate square footage. Mr. Blackman stated that the County will have the final word on how to calculate this. Terry Metcalfe stated he felt item 4 would relate to the sign not item 2. Attorney Everett stated the Amenia Code does not tell how to calculate, so the Board must come up with a rational basis. Chairman Blackman asked the Board if they were ok with the height of the sign. They were in agreement. He continued the topography and the fact the sign is visible for a very short time approaching from the south along Route 22 made a convincing case for the variance. Jeff noted there was an existing sign there for a long period of time at a similar height. Mr. Werner asked what constitutes a long period of time. Mr. Barnett-Winsby stated it was there when the property was bought from David Luther.

Mr. Everett stated the Board needs to get an amended application from the applicant that shows what variances they are asking for, submit a short EAF form for SEQRA, then that package will be referred to the County Planning. The application will then have a Public Hearing and the ZBA will need to conduct a SEQRA analysis to see what environmental impacts are relating to this new sign.

John Fenton added they will need to be careful how to classify the sign. If it is classified as a billboard it will be defined as an off-premises sign and treated completely different. Stay away from the billboard classification. Jeff Barnett-Winsby stated that because the Wassaic Project is featured on the sign, the Project also occupies that parcel; it is an acceptable sign on premises.

Mr. Everett stated that the County needs to be notified by law a minimum of 5 days before the Public Hearing. Mr. Barnett-Winsby asked if the Public Hearing was a Town requirement. Mr. Everett stated it was a Town requirement. John Fenton had spoken with Heather LaVarnway and Ms. LaVarnway felt if the County could receive the documents by early next week, there should not be a problem. Mr. Barnett-Winsby will get the materials to the Secretary by Wednesday the 24th. The date for the Public Hearing will be November 17, 2014.

Four Brothers

Sign

**Route 22
Amenia, NY**

Chairman Blackman stated on September 26, 2014 a Special Meeting was held at the Four Brothers Parking Lot. The Board had some specific requests regarding the signage.

1. The Town Engineer will prepare a written list of the signs and what section of the Code applies to it. Signs that are lit, signs on a roof and neon signs are all different categories of non-compliance. So when the ZBA rules, there will be a list of all the signs that have been approved and their rationale. Most of the signs the Board felt were OK with.
2. **“SHOWS”** sign left of entry fence should be moved back or turned away from the street or removed.
3. **“Drive In”** and **“Theater”** signs were OK.
4. **“Drive In”** sign and **“Arrow”** that are on the Snack Bar should be taken down, however the **“Eat”**, **“Drink”** and **“Play”** signs could remain.
5. **Traffic Light** was extremely bright and (could be seen from the street) and should be dimmed.
6. **“Love”** sign – rotate 90 away from the street. All the other signage was less problematic stay because it was far enough back from the street.

The applicant will need variances for the signs some of them are internally lit, some are on top of the building which are not legal under the Code, the Town Engineer will compile a list with the section of the Code so when the variance is given the section of the Code will be there.

John Fenton stated the maximum amount of total signage was 1 square foot of signage for every 2 linear feet of lot frontage. The applicant’s lot frontage is 254.87 feet therefore it would be 127.43 square feet of signage. Mr. Blackman noted that the Board’s final decision will need to take into account the total signage vs this number, and noted that the Four Brothers Restaurant signage would also be counted, as it is a single lot. Kevin Cassone added if the applicant treats each business separately, then the Drive In would not get much signage.

Mr. Blackman also added that the Board felt there ought to be a sign showing what was playing at the Drive-In on the roadway instead of driving in and getting out of the car to see what was playing. Maybe you can trade signage on the property for an additional sign on the roadway? John Fenton warned the applicant on what type of sign is needed and suggested because it needed to be lit at night gooseneck lighting would be best. He suggested we make sure that the Town Engineer has this proposed sign on her list.

Mr. Werner brought up the fact the Applicant had removed one of the two handicapped parking spaces in their restaurant lot. John Stefanopoulos stated there were two but one was not marked. He will take care of marking the second spot.

Terry Metcalfe noted that the “Drive-In” and “Theater” signs when looking at them from the road all one sees are lights. He suggested painting the background a color. Mr. Stefanopoulos asked if it would be better with an arch over the entry. John Fenton warned about height as a Fire Truck might have to come in. Mr. Fenton reminded the applicant that the Planning Board is trying to get the mylar for the site plan signed as the Drive In is operating on a temporary CO. Due to the violations of the signs, the Planning Board cannot approve the site plan. Mr. Everett suggested to the applicant not to change too many things as it will only create more problems and delay the process. He then asked the applicant if they consent to the changes that the Chairman had read. The applicant consented to the 6 changes.

Kevin Cassone asked what was next for the applicant. Mr. Everett explained the Planning Board cannot approve a site plan when there are violations. Once the violations (including these signage issues) are cleaned up, then the Planning Board can grant approval for the site plan and Mr. Fenton can issue their CO. The Town Engineers list will have a column for the justification for the variances. This is critical as the ZBA will be setting a precedent by what they allow.

MOTION TO APPROVE THE MINUTES OF AUGUST 8, 2014 was made by Leo Blackman, seconded by Terry Metcalfe

VOTE TAKEN – MOTION CARRIED

Paula Pelosi – abstain

MOTION TO APPROVE THE MINUTES OF SEPTEMBER 15, 2014 and SEPTEMBER 26, 2014 was made by Leo Blackman, seconded by Paula Pelosi

VOTE TAKEN - MOTION CARRIED

Kevin Cassone – abstain

MOTION TO CLOSE THE MEETING was made by Leo Blackman, seconded by Paula Pelosi, Terry Metcalfe, Dave Menegat and Kevin Cassone

Respectfully submitted,

Susan M. Metcalfe

Zoning Board of Appeals Secretary

The foregoing represents unapproved minutes of the Zoning Board of Appeals meeting held on October 20, 2014 and are not to be construed as the final minutes until so approved.

 X Approved as read – 11-17-2014

 Approved with: deletions, corrections or additions

